

BEFORE THE DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the  
Accusation Against:

Arthur R. Marks, M.D.  
Certificate # C-11134

Respondent.

D-4146

DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on September 21, 1990.

IT IS SO ORDERED August 20, 1990.

DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA

Theresa Claassen

THERESA CLAASSEN  
Secretary-Treasurer

EXH 3  
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Evd

1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 ALFREDO TERRAZAS  
Deputy Attorney General  
3 455 Golden Gate Avenue, Suite 6200  
San Francisco, California 94102-3658  
4 Telephone: (415) 557-2515

5 Attorneys for Complainant

6  
7 BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
8 DIVISION OF MEDICAL QUALITY  
DEPARTMENT OF CONSUMER AFFAIRS  
9 STATE OF CALIFORNIA  
10

11 In the Matter of the Accusation )

12 Against: )

No. D-4146

13 ARTHUR R. MARKS, M.D.  
5614 Caminito Herminia  
14 La Jolla, California 92037 )

STIPULATION, WAIVER  
AND ORDER

15 Physician's and Surgeon's  
License No. C11134 )

16 Respondent. )  
17

18 IT IS HEREBY STIPULATED by and between ARTHUR R. MARKS,  
19 M.D., (hereinafter "respondent") and his attorney Richard K.  
20 Turner, Esq. and the Medical Board of California (formerly the  
21 "Board of Medical Quality Assurance" and hereinafter "Board") by  
22 and through its attorney Alfredo Terrazas, Deputy Attorney  
23 General, as follows:

24 1. Accusation No. D-4146 is presently pending before  
25 the Board. A copy of said Accusation is attached hereto as  
26 Exhibit A and incorporated herein by reference.

27 //

1           2. Respondent is represented by Richard K. Turner,  
2 Attorney at Law, of the firm Turner and Sullivan.

3           3. Respondent understands the nature of the charges  
4 and allegations in Accusation No. D-4146 as constituting cause  
5 for discipline upon him and has had them explained to him by his  
6 attorney.

7           4. Respondent is fully aware of and has had explained  
8 to him by his attorney his right to a decision based on a hearing  
9 on the charges and allegations in Accusation No. D-4146, his  
10 right to reconsideration, to appeal and any and all other rights  
11 which may be accorded to him under the California Administrative  
12 Procedure Act and the laws of the State of California as they may  
13 be related to Accusation No. D-4146.

14           5. That at the time of executing and filing the  
15 Accusation, Kenneth Wagstaff was the Executive Officer of the  
16 Board and filed the Accusation solely in his official capacity  
17 and not otherwise.

18           6. Respondent fully and voluntarily and after  
19 consulting with his attorney waives his right to a decision based  
20 on a hearing, reconsideration and appeal and any and all other  
21 rights which may be accorded to him under the California  
22 Administrative Procedure Act and the laws of the State of  
23 California as they may relate to Accusation No. D-4146.

24           7. All admissions of fact and conclusions of law  
25 contained in this Stipulation are made exclusively for this  
26 proceeding and any future proceeding between the Board and the  
27 respondent and shall not be deemed to be admissions for any

1 purpose in any other administrative, civil or criminal action,  
2 forum or proceeding.

3           8. Respondent admits that he treated all eight (8)  
4 patients identified in paragraphs six through fourteen (6 through  
5 14) of Accusation No. D-4146 by placing them on a weight  
6 reduction program which included a diet; a prescription for  
7 synthroid (a synthetic form of thyroid medication); a  
8 prescription for potassium supplements and amino acid  
9 supplements. Respondent further admits that he prescribed and/or  
10 administered synthroid and potassium to said patients without  
11 medical indication therefor. Respondent admits that these  
12 patients had no medical indication for the administration of  
13 thyroid hormone (synthroid) in view of normal thyroid function or  
14 for the prescribing and/or administering of potassium since their  
15 serum potassium levels were normal. Finally, respondent admits  
16 that he, as the Medical Director of the Medical Clinics at all  
17 times relevant herein, was remiss in obligations to prevent from  
18 being disseminated to the public communications relating to  
19 weight loss which could be construed as false, fraudulent,  
20 misleading or deceptive. Therefore, respondent acknowledges,  
21 that grounds for discipline are stated herein pursuant to  
22 Business and Professions Code section 2234(d).

23           9. Based on the foregoing recitals and stipulations,  
24 IT IS FURTHER STIPULATED AND AGREED that the Board may issue a  
25 decision as follows:

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Physician's and Surgeon's License Number C11134  
issued to respondent Arthur R. Marks, M.D., is revoked;  
provided, however, that said revocation is stayed, except  
for an actual suspension of 90 days, and respondent is  
placed on probation for five (5) years upon the following  
terms and conditions:

(A) Actual Suspension.

As part of probation respondent is suspended from the  
practice of medicine for 90 days, beginning on the effective date  
of this decision.

(b) Education Course.

Within 90 days of the effective date of this decision,  
and on an annual basis thereafter, respondent shall submit to the  
Division for its prior approval an educational program or course  
to be designated by the Division, but which shall include courses  
in Endocrinology and Pharmacology which shall not be less than 40  
hours per year, for the first year of probation and for 25 hours  
per year thereafter for the remaining four years of probation.  
This program shall be in addition to the Continuing Medical  
Education requirements for re-licensure. Following the  
completion of each course, the Division or its designee may  
administer an examination to test respondent's knowledge of the  
course. Respondent shall provide proof of attendance for 65  
hours of continuing medical education of which 40 hours were in  
satisfaction of this condition and were approved in advance by  
the Division.

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1 (c) Ethics.

2 Within 60 days of the effective date of this decision,  
3 respondent shall submit to the Division for its prior approval a  
4 course in Ethics, which respondent shall successfully complete  
5 during the first year of probation.

6 (d) Oral Clinical Exam. (Condition Precedent)

7 Within 90 days of the effective date of this decision,  
8 respondent shall take and pass an oral clinical exam, in general  
9 medicine with emphasis on the proper treatment and monitoring of  
10 weight control to be designated and administered by the Division  
11 or its designee. If respondent fails this examination,  
12 respondent must take and pass a re-examination consisting of a  
13 written as well as an oral examination. The waiting period  
14 between repeat examinations shall be at three month intervals  
15 until success is achieved. The Division shall pay the cost of  
16 the first examination and respondent shall pay the cost of any  
17 subsequent re-examinations.

18 Respondent shall not practice medicine until respondent  
19 has passed the required examination and has been so notified by  
20 the Division in writing. Failure to pass the required  
21 examination no later than 100 days prior to the termination date  
22 of probation shall constitute a violation of probation.

23 (e) Obey All Laws.

24 Respondent shall obey all federal, state and local laws  
25 and all regulations governing the practice of medicine in  
26 California.

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1           (f) Quarterly Reports.

2           Respondent shall submit quarterly declarations under  
3 penalty of perjury on forms provided by the Division, stating  
4 whether there has been compliance with all the conditions of  
5 probation.

6           (g) Surveillance Program.

7           Respondent shall comply with the Division's probation  
8 surveillance program.

9           (h) Interview With Medical Consultant.

10          Respondent shall appear in person for interviews with  
11 the Division's medical consultant upon request at various  
12 intervals and with reasonable notice.

13          (i) Tolling for Out-of-State Practice or Residence.

14          The period of probation shall not run during the time  
15 respondent is residing or practicing outside the jurisdiction of  
16 California. If, during probation, respondent moves out of the  
17 jurisdiction of California to reside or practice elsewhere;  
18 respondent is required to immediately notify the Division in  
19 writing of the date of departure, and the date of return, if any.

20          (j) Completion of Probation.

21          Upon successful completion of probation respondent's  
22 certificate will be fully restored.

23          (k) Violation of Probation.

24          If respondent violates probation in any respect, the  
25 Division, after giving respondent notice and the opportunity to  
26 be heard, may revoke probation and carry out the disciplinary  
27 order that was stayed. If an Accusation or Petition to Revoke

1 Probation is filed against respondent during probation, the  
2 Division shall have continuing jurisdiction until the matter is  
3 final, and the period of probation shall be extended until the  
4 matter is final.

5 10. The parties hereto agree that the admissions and  
6 terms and conditions set forth herein shall be null and void and  
7 not binding upon them unless and until approved and adopted by  
8 the Medical Board of California.

9  
10 DATED: June 14, 1990

11 JOHN K. VAN DE KAMP  
12 Attorney General of the  
13 State of California

14 Alfredo Terrazas  
15 ALFREDO TERRAZAS  
16 Deputy Attorney General  
17 Attorneys for Complainant

18 DATED: June 18, 1990

19 TURNER and SULLIVAN

20 Richard K. Turner  
21 RICHARD K. TURNER, Esq.


22 Attorney for Respondent  
23  
24  
25  
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1 I hereby certify that I have read this Stipulation and  
2 Agreement in its entirety, that my attorney of record has fully  
3 explained the legal significance and consequences thereof, that I  
4 fully understand all of the same and in witness thereof I affix  
5 my signature.

6  
7 DATED:

6-13-90

  
ARTHUR R. MARKS, M.D.  
Respondent

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1 JOHN K. VAN DE KAMP, Attorney General  
of the State of California  
2 ALAN S. METH,  
Deputy Attorney General  
3 Department of Justice  
110 West A Street, Suite 700  
4 San Diego, California 92101  
Telephone: (619) 237-7224

5 Attorneys for Complainant  
6

7 BEFORE THE  
8 BOARD OF MEDICAL QUALITY ASSURANCE  
9 DIVISION OF MEDICAL QUALITY  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA  
12

13 In the Matter of the Accusation  
Against:

NO. D-4146

14 ARTHUR R. MARKS, M.D.  
15 5614 Caminito Herminia  
La Jolla, CA 92037

ACCUSATION

16 Physician's and Surgeon's  
17 License No. C11134

18 Respondent.  
19

20 COMES NOW Kenneth Wagstaff, who as cause for  
21 disciplinary action, alleges:

22 1. Complainant is the Executive Director of the Board  
23 of Medical Quality Assurance of the State of California  
24 (hereinafter the "Board") and makes and files this accusation  
25 solely in his official capacity.

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1                   LICENSE STATUS

2                   2. On or about June 3, 1948, Physician's and  
3 Surgeon's License No. C11134 was issued by the Board to Arthur R.  
4 Marks, M.D. (hereinafter "respondent"), and at all times relevant  
5 herein, said license was, and currently is, in full force and  
6 effect.

7                   STATUTES

8                   3. Business and Professions Code (hereinafter "Code")  
9 section 2227 provides that the Board may revoke, suspend for a  
10 period not to exceed one year, or place on probation, the license  
11 of any licensee who has been found guilty under the Medical  
12 Practice Act.

13                  4. Section 2234 of the Code provides:

14                  "The Division of Medical Quality shall take action  
15 against any licensee who is charged with unprofessional  
16 conduct. In addition to other provisions of this  
17 article, unprofessional conduct includes, but is not  
18 limited to, the following:

19                  ...

20                  "(b) Gross negligence.

21                  "(c) Repeated negligent acts.

22                  "(d) Incompetence.

23                  "(e) The commission of any act involving  
24 dishonesty or corruption which is substantially related  
25 to the qualifications, functions, or duties of a  
26 physician or surgeon."

27                  ///

1           5. Section 651 of the Code provides in pertinent part:

2           "(a) It is unlawful for any person licensed under  
3 this division or under any initiative act referred to  
4 in this division to disseminate or cause to be  
5 disseminated, any form of public communication  
6 containing a false, fraudulent, misleading, or  
7 deceptive statement or claim, for the purpose of or  
8 likely to induce, directly or indirectly, the rendering  
9 of professional services or furnishing of products in  
10 connection with the professional practice or business  
11 for which he is licensed. A "public communication" as  
12 used in this section includes, but is not limited to,  
13 communication by means of television, radio, motion  
14 picture, newspaper, book, or list or directory of  
15 healing arts practitioners.

16           "(b) A false, fraudulent, misleading, or deceptive  
17 statement or claim includes a statement or claim which  
18 does any of the following:

19           (1) Contains a misrepresentation of fact.

20           (2) Is likely to mislead or deceive because of a  
21 failure to disclose material facts.

22           (3) Is intended or is likely to create false or  
23 unjustified expectations of favorable results.

24           (4) Relates to fees, other than a standard  
25 consultation fee or a range of fees for specific

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1 types of services, without fully and specifically  
2 disclosing all variables and other material factors.

3 (5) Contains other representations or implications  
4 that in reasonable probability will cause an  
5 ordinarily prudent person to misunderstand or be  
6 deceived."

7 FACTS

8 6. During 1988 and 1989, respondent was the Medical  
9 Director of the Medical Clinics, which consisted of two offices  
10 located in San Diego County. The Medical Clinics provided a  
11 weight reduction program. It advertises to the public and  
12 informs its patients, among other things, that weight reduction  
13 is achieved by metabolic adjustment, that no strict dieting is  
14 required, and that the weight loss will be permanent. The  
15 program includes a diet, prescriptions for thyroid medication and  
16 potassium supplements, and amino acid supplements. Patients are  
17 told routinely that for each new patient they refer to the  
18 Clinic, they will be given one free week of treatment.

19 7. On or about April 20, 1988, Jeff B. went to a  
20 Medical Clinics office, filled out an information sheet and  
21 consultation sheet, had some laboratory work done, and paid \$295.  
22 On or about May 2, 1988, respondent performed a physical  
23 examination on Jeff B., and did the following:

24 a. On a pre-printed form, made a recommendation  
25 of: (1) calorie-carbohydrate control diet; (2) amino acid

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27 ///

1 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
2 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
3 potassium supplement as needed (Micro K., 10 mEq #30).

4 b. Gave the patient prescriptions for synthroid,  
5 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

6 c. Diagnosed the patient as suffering from  
7 hyperlipidemia.

8 8. On or about June 8, 1988, Anita B. went to a  
9 Medical Clinics office, filled out an information sheet and  
10 consultation sheet, had some laboratory work done, and was billed  
11 \$240. On or about June 15, 1988, respondent performed a physical  
12 examination on Anita B., and did the following:

13 a. On a pre-printed form, made a recommendation  
14 of: (1) calorie-carbohydrate control diet; (2) amino acid  
15 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
16 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
17 potassium supplement as needed (Micro K., 10 mEq #30).

18 b. Gave the patient prescriptions for synthroid,  
19 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

20 c. Diagnosed the patient as suffering from  
21 hypercholesterolemia and hypertension.

22 9. On or about October 5, 1988, Gina B. went to a  
23 Medical Clinics office, filled out an information sheet and  
24 consultation sheet, had some laboratory work done, and was billed  
25 \$764. On or about October 13, 1988, respondent performed a  
26 physical examination on Gina B., and did the following:

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1           a. On a pre-printed form, made a recommendation  
2 of: (1) calorie-carbohydrate control diet; (2) amino acid  
3 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
4 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
5 potassium supplement as needed (Micro K., 10 mEq #30).

6           b. Gave the patient prescriptions for synthroid,  
7 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

8           c. Diagnosed the patient as suffering from  
9 fatigue.

10           10. On or about December 22, 1988, Kathy H. went to a  
11 Medical Clinics office, filled out an information sheet and  
12 consultation sheet, had some laboratory work done, and was billed  
13 \$295. On or about January 5, 1989, respondent performed a  
14 physical examination on Kathy H., and did the following:

15           a. On a pre-printed form, made a recommendation  
16 of: (1) calorie-carbohydrate control diet; (2) amino acid  
17 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
18 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
19 potassium supplement as needed (Micro K., 10 mEq #30).

20           b. Gave the patient prescriptions for synthroid,  
21 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

22           c. Diagnosed the patient as suffering from  
23 leukocytes, large number, and anemia.

24           11. On or about October 12, 1988, Renee H. went to  
25 a Medical Clinics office, filled out an information sheet and

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27 ///

1 consultation sheet, had some laboratory work done, and was billed  
2 \$295. On or about October 17, 1988, respondent performed a  
3 physical examination on Renee H., and did the following:

4 a. On a pre-printed form, made a recommendation  
5 of: (1) calorie-carbohydrate control diet; (2) amino acid  
6 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
7 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
8 potassium supplement as needed (Micro K., 10 mEq #30).

9 b. Gave the patient prescriptions for synthroid,  
10 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

11 c. Diagnosed the patient as suffering from  
12 anemia, hyperlipidemia, and hyperglycemia.

13 12. On or about April 14, 1988, Frances P. went to  
14 a Medical Clinics office, filled out an information sheet and  
15 consultation sheet, had some laboratory work done, and was billed  
16 \$240. On or about April 27, 1988, respondent performed a  
17 physical examination on Frances P., and did the following:

18 a. On a pre-printed form, made a recommendation  
19 of: (1) calorie-carbohydrate control diet; (2) amino acid  
20 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
21 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
22 potassium supplement as needed (Micro K., 10 mEq #30).

23 b. Gave the patient prescriptions for synthroid,  
24 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

25 13. On or about May 18, 1988, Rebecca R. went to a  
26 Medical Clinics office, filled out an information sheet and

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1 consultation sheet, had some laboratory work done, and was billed  
2 \$295. On or about June 1, 1988, respondent performed a physical  
3 examination on Rebecca R., and did the following:

4 a. On a pre-printed form, made a recommendation  
5 of: (1) calorie-carbohydrate control diet; (2) amino acid  
6 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
7 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
8 potassium supplement as needed (Micro K., 10 mEq #30).

9 b. Gave the patient prescriptions for synthroid,  
10 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

11 c. Diagnosed the patient as suffering from  
12 hypothyroidism and hyperlipidemia.

13 14. On or about August 10, 1988, Llewellyn S. went to  
14 a Medical Clinics office, filled out an information sheet and  
15 consultation sheet, had some laboratory work done, and was billed  
16 \$764. On or about August 12, 1988, respondent performed a  
17 physical examination on Llewellyn S., and did the following:

18 a. On a pre-printed form, made a recommendation  
19 of: (1) calorie-carbohydrate control diet; (2) amino acid  
20 supplements to prevent nitrogen imbalance; (3) balanced vitamin-  
21 mineral tablet once a day; and (4) Rx for 0.05 mcg synthroid and  
22 potassium supplement as needed (Micro K., 10 mEq #30).

23 b. Gave the patient prescriptions for synthroid,  
24 0.05 mcg, #30 and micro K, 10 mEq, #30 (potassium).

25 c. Diagnosed the patient as suffering from  
26 hypothyroidism.

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1                    CHARGES AND ALLEGATION

2                    15. Respondent Arthur R. Marks, M.D. is subject to  
3 discipline under section 2234(d) of the Code, incompetence  
4 because of, but not limited to, the following:

5                    a. Respondent prescribed synthroid to patients  
6 without indication therefor, as more particularly described in  
7 paragraphs 7 through 14.

8                    b. Respondent prescribed or administered  
9 potassium to patients without indication therefor, as more  
10 particularly described in paragraphs 7 through 14.

11                   c. Respondent placed the patients described in  
12 paragraphs 7 through 14 on diets which required them to take  
13 amino acids, when in fact such amino acids are not justified.

14                   d. Respondent failed to diagnose or follow up on  
15 abnormal medical findings as follows:

16                   (1) Hypertriglyceridemia found in patients  
17 Jeff B., Renee H., and Rebecca R.

18                   (2) Anemia found in Kathy H.

19                   (3) Hypertension found in Gina B.

20                   (4) Increased serum iron found in patient  
21 Gina B.

22                   e. Respondent failed to treat patients based upon  
23 his diagnosis as follows:

24                   (1) Hypercholesterolemia as described in  
25 paragraphs 7c, 8c, 11c, and 13c.

26                   (2) Leukocytes, large as described in  
27 paragraph 10c.

1 (3) Anemia as described in paragraphs 10c  
2 and 11c.

3 (4) Hypertension as described in paragraph  
4 8c.

5 (5) Fatigue as described in paragraph 9c.

6 f. Respondent made the following diagnoses which  
7 were not warranted by the facts of the case or the results of  
8 examinations:

9 (1) Hypothyroidism as described in  
10 paragraphs 13c and 14c.

11 (2) Anemia as described in paragraph 10c.

12 (3) Leukocytes, large as described in  
13 paragraph 10c.

14 (4) Fatigue as described in paragraph 9c.

15 (5) Hyperglycemia as described in paragraph  
16 11c.

17 g. Respondent placed patients on a diet which  
18 contained excessive amounts of fat.

19 16. Respondent Arthur R. Marks, M.D. is subject to  
20 discipline under section 2234(c) of the Code, repeated negligent  
21 acts, for the reasons set forth in paragraph 15.

22 17. Respondent Arthur R. Marks, M.D. is subject to  
23 discipline under section 2234(b) of the Code, gross negligence,  
24 because of, but not limited to the following:

25 a. Complainant realleges and incorporates by  
26 reference each and every allegation contained in paragraph 15.

27 ///

1                   b. Respondent and the Medical Clinics advised the  
2 patients described in paragraphs 7, 8, 9, 11, 12, 13, and 14 that  
3 they would receive one free week of treatment for each new  
4 patient that they refer to the Medical Clinics

5                   c. Respondent used pre-printed treatment  
6 schedules and stamped prescription blanks, and ordered identical  
7 dosages of synthroid and potassium supplements indiscriminately  
8 to the patients described in paragraphs 7 through 14.

9                   18. Respondent Arthur R. Marks, M.D. is subject to  
10 discipline under section 651 of the Code in that respondent  
11 disseminated or caused to be disseminated the following public  
12 communications which were false, fraudulent, misleading, or  
13 deceptive:

14                   a. Weight loss is achieved by metabolic  
15 adjustment, when in fact it is accomplished by dietary  
16 restriction.

17                   b. No strict dieting is needed.

18                   c. Weight loss was permanent.

19                   d. Taking high potency amino acids causes a  
20 metabolic adjustment or assists in weight loss.

21                   e. Taking thyroid medication causes a metabolic  
22 adjustment or assists in weight loss.

23                   19. Respondent Arthur R. Marks, M. D. is subject  
24 to discipline under section 2234(e) in that his treatment of  
25 patients who want to lose weight by prescribing thyroid  
26 medication and potassium supplements allegedly to adjust their  
27 metabolism, his use of excessive diagnostic procedures, his use

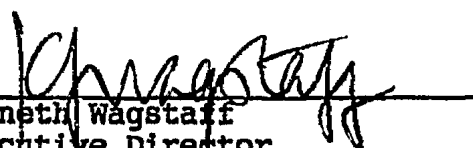
1 of amino acids in a weight loss program, his use of pre-printed  
2 treatment schedules and stamped prescription blanks, his ordering  
3 of identical dosages of synthroid and potassium supplements  
4 indiscriminately to his patients, his offer to his patients that  
5 they would receive one free week of treatment for each new  
6 patient that they referred to the Medical Clinics, his failure to  
7 diagnose his patients as suffering from obesity because such a  
8 diagnosis generally results in an insurance company denying  
9 coverage, and his false and misleading advertising designed to  
10 promote business for himself and the Medical Clinics, show a  
11 pattern of dishonest and/or corrupt acts substantially related to  
12 the qualifications, functions, or duties of a physician and  
13 surgeon.

14 WHEREFORE, complainant requests that a hearing be held  
15 on the matters alleged herein, and that following said hearing,  
16 the Board issue a decision:

17 1. Revoking or suspending Physician's and Surgeon's  
18 License Number C11134, heretofore issued to respondent  
19 Arthur R. Marks, M.D.;

20 2. Taking such other and further action as the Board  
21 deems proper.

22 DATED: December 13, 1989

23  
24   
25 Kenneth Wagstaff  
26 Executive Director  
27 Board of Medical Quality Assurance  
Department of Consumer Affairs  
State of California

Complainant